

REMARKS

The Office Action has required an election of species under 35 U.S.C. § 121 and § 372:

Group 1, claims 1-20, drawn to an aircraft and method of manufacturing an aircraft;

Group 2, claims 21-23, drawn to a pre-fabricated floor module for an aircraft.

Applicant respectfully traverses the election requirement. However, to be fully responsive, Applicant hereby elects Group 1, claims 1-20.

According to the M.P.E.P. § 803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may include claims to independent or distinct inventions.

Applicant respectfully submits that the examination of the entire application, including all of the claims, would not be a serious burden on the Examiner. This is particularly so because the Examiner has not provided reasons why the examination of all the inventions would be a serious burden. Therefore, Applicant respectfully requests that the election requirement be withdrawn and that all claimed invention be examined in this application.

Furthermore, Applicant has paid a filing fee for an examination of all claims in this application. If the Examiner refuses to examine the claims paid for when this application was filed, Applicant must pay duplicative fees to file divisional applications for the non-elected or withdrawn groups of claims. In conclusion, the Examiner has not shown that there would be a serious burden on the Examiner if the election were not made.

U.S. Serial No. 10/565,080
Docket No. 59482.21860

Patent

Claim 16 has been amended to correct a minor informality.

The Commissioner is hereby authorized to charge any fees which may be required for this submission, or credit any overpayment to deposit account no. 50-2036, referencing Docket No. 59482.21860.

Respectfully submitted,

BAKER & HOSTETLER LLP



Leo J. Jennings
Registration No. 32,902

September 8, 2008
BAKER & HOSTETLER LLP
1050 Connecticut Avenue NW
Washington Square, Suite 1100
Washington DC 20036

Telephone: 202.861.1500
Facsimile: 202.861.1783
e-mail: patents@bakerlaw.com